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What links US Supreme Court, copyright legal bills, and stadium hot dog prices? A: Oracle

You can't full me, Larry: Rimini swerves \$13m invoice in crucial ruling on 'full' versus 'all'

By [Rebecca Hill](#) 4 Mar 2019 at 20:44

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Oracle can't relieve Rimini Street's coffers of \$12.8m in legal bills, the US Supreme Court unanimously ruled on Monday. The database giant tried to recover non-taxable court costs from Rimini, which the Supremes have now, in a pivotal decision, said are off limits in a copyright case.

Big Red and the enterprise software support vendor have been locked in a years-long battle, which in 2018 shifted from Oracle's initial complaint of intellectual property theft to a matter of the legal definition of "full costs."

Rimini [lost the copyright side](#) of the legal fight in 2015, and was ordered to pay some \$124m in damages and the so-called "full costs" of Oracle's lawsuit. Rimini has since been trying to claw back as much of that payout as it can, and early last year successfully [slashed its bill by \\$50m](#) to \$74m.

To further cut the amount of money owed, Rimini [asked the Supreme Court](#) to resolve a split between the lower courts on whether "full costs" means "all costs," seeing as only some types of legal costs can be paid

by a losing party, and Oracle was seeking to recover every penny it spent on the legal battle.

An appeals court had ruled Rimini should pay Oracle some \$12.8m in non-taxable costs as part of the overall "full costs" payout – however, other courts ruled "full costs" do not include non-taxable costs, and thus Oracle can't claim the \$12.8m in non-taxable costs from Rimini.

The Supremes were thus asked to answer a question of interpretations of two statutory provisions: the general norm set by 28 U.S.C. § 1920 that even a winning party pays a substantial share of the costs; and Section 505 of the Copyright Act, which allows courts to award "full costs" to the winning party. Essentially, some rules stated Rimini, as a copyright infringer, has to pay Oracle's "full costs," and some rules stated non-taxable bills are not included in the limited range of recoverable "costs" – which is it? Full or not full?

The top court heard [oral arguments in the case last month](#) and issued its [opinion today \[PDF\]](#). In it, Justice Brett Kavanaugh said the Supreme Court had reversed that part of the Ninth's judgment, and decided that "full costs" is not necessarily "all costs," and remanded the case for further proceedings in light of that. In effect, "full costs" means "full costs" as per applicable law, so full with caveats.

Depends what you mean by 'is'

"The question presented in this case is whether the Copyright Act's reference to 'full costs' authorizes a court to award litigation expenses beyond the six categories of 'costs' specified by Congress in the general costs statute," Justice Kavanaugh said. "The statutory text and our precedents establish that the answer is no."

The judge said the court had not found Oracle's arguments persuasive, and rather sided with arguments made by Rimini, the [US government](#), and [scholarly amici curiae](#) submitted in the case.

The term "full" is "a term of quantity or amount" and an "adjective that means the complete measure of the noun it modifies," he said. As such, it cannot apply to other categories or kinds of expenses.



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"The adjective 'full' in §505 therefore does not alter the meaning of the word 'costs.' Rather, 'full costs' are all the 'costs' otherwise available under law," the Supremes state. "A 'full moon' means the moon, not Mars. A 'full breakfast' means breakfast, not lunch. A 'full season ticket plan' means tickets, not hot dogs. So too, the term 'full costs' means costs, not other expenses."

The court also dismissed Oracle's argument that the term "full costs" is a historical term, taking issue both with its points on law before 1831, and noting that none of the more than 800

copyright decisions made between 1831 and 1976 awarded expenses other than those specified in state or federal laws.

Finally, it was not persuaded by arguments that, if Rimini's argument was right, then the use of the word "full" would be unnecessary or redundant. The court added that even if this was correct, "redundancy is not a silver bullet" in interpreting the law, adding: "Sometimes the better overall reading of the statute contains some redundancy." In other words, you can't use redundancy to interpret a law to your liking.

"The Supreme Court's narrow decision today on recovery of a type of cost does not change the fundamental facts of the case," Oracle's global comms boss Deborah Hellinger told us in a statement.

"Rimini engaged in a massive theft of Oracle's IP and tried to cover it up by destroying evidence and engaging in other litigation misconduct, but it got tagged for its illegal activities anyway by both judge and jury, as the opinion acknowledges. And despite its effort to avoid an injunction, Rimini has been enjoined from further infringement. Today's decision is ancillary to the core rulings against Rimini, which stand." ®

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